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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

In re:	§ Case No. 22-90000-mxcm11
ROCKALL ENERGY HOLDINGS, LLC et al.	§ Chapter 11
Reorganized Debtors.	§ Jointly Administered
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TALCO PETROLEUM LLC and WHITE MARLIN OPERATING CO., LLC,	§
Plaintiffs	§
v.	§ Adversary No. 23-09003-mxm
FORMENTERA PARTNERS FUND I, LP and U.S. SPECIALTY INSURANCE CO.,	§
Defendants	§

**U.S. SPECIALTY INSURANCE COMPANY'S MOTION
(I) TO DISMISS UNDER RULE 12(B)(1); (II) ALTERNATIVELY, FOR ABSTENTION;
AND (III) TO DISMISS UNDER RULE 12(B)(6)**

U.S. Specialty Insurance Company (“USSIC”) files this Motion (i) to Dismiss under Rule 12(b)(1); (ii) Alternatively, for Abstention; and (iii) to Dismiss under Rule 12(b)(6), and asks that the Court enter an order dismissing the Complaint and Request for Declaratory Judgment and Enforcement of Certain Provisions of Confirmed Plan [Dkt. No. 1] (the “Complaint”) filed by Talco Petroleum LLC and White Marlin Operating Co., LLC (together, the “Plaintiffs”).

1. Specifically, USSIC asks that the Complaint be dismissed under Rule 12(b)(1) of the Federal Rules of Civil Procedure, made applicable to this Adversary Proceeding by Rule 7012 of the Federal Rules of Bankruptcy Procedure, because this Court lacks subject matter jurisdiction over the Plaintiffs’ non-core, post-confirmation, and post-effective date claims.

2. Alternatively, USSIC asks that this Court abstain from hearing this Adversary Proceeding under the first-to-file rule, allowing the District Court for the Southern District of Texas to adjudicate this dispute in the civil action filed by USSIC almost six months prior to the Plaintiffs’ filing their complaint. Additionally, USSIC respectfully represents that it would be appropriate for this Court to exercise its discretion to abstain from hearing this Adversary Proceeding un 28 U.C.S. § 1334(c)(1).

3. In the event that the Court elects to entertain the Complaint on the merits, USSIC further requests that Court dismiss the Complaint under Rule 12(b)(6) of the Federal Rules of Civil Procedure, made applicable to this Adversary Proceeding by Rule 7012 of the Federal Rules of Bankruptcy Procedure, because the Complaint fails to state a claim upon which relief can be granted.

Pursuant to the Local Rules, USSIC is filing with this Motion its Brief in Support of Motion (i) to Dismiss under Rule 12(b)(1); (ii) Alternatively, for Abstention; and (iii) to Dismiss under Rule 12(b)(6) and the accompanying Appendix.

WHEREFORE, for the reasons more fully set out in USSIC's Brief, USSIC respectfully requests the entry of an order dismissing the Complaint with prejudice and granting USSIC such other relief as the Court deems just and proper.

Respectfully submitted this the 17th day of July, 2023.

/s/ Philip G. Eisenberg
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COUNSEL FOR U.S. SPECIALTY INSURANCE CO.

CERTIFICATE OF SERVICE

I hereby certify that on this the 17th day of July 2023, a true and correct copy of the foregoing instrument has been served electronically on all parties that are registered to receive electronic transmission through this Court's CM/ECF filing system in the above-styled proceeding.

/s/ Philip G. Eisenberg
Philip G. Eisenberg